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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,941	09/29/2003	Lin-Wei Chang	0698-0162P	8296
2292	7590	09/27/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			CHANG, YEAN HSI	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2835	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,941

Applicant(s)

CHANG, LIN-WEI

Examiner

Yean-Hsi Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-10 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Montoya et al. (US 6,421,236 B1).

Montoya teaches a drawer (fig. 1) comprising: a drawer body (101) having at least one accommodating space (shown in fig. 1) for receiving the digital data storage device, wherein a plurality of resilient members (151 and 152, and/or portions of 150) and a plurality of first openings (shown in fig. 1, not labeled) are formed on each of two sides (103 and 104) of the drawer body, and two vibration absorption members (118 and 119, see col. 6, lines 43-48) detachably mounted on the two sides of the drawer body respectively, each of the vibration absorption members having a plurality of second openings (155 and 156) and a plurality of fastening portions (120 and 121) respectively corresponding to the resilient members and the first openings on the corresponding side of the drawer body, wherein the fastening portions of the vibration absorption members are engaged with the first openings of the drawer body so as to

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allow the vibration absorption members to provide the drawer body with a cushioning effect and vibration absorption (see col. 2, lines 35-38), and the resilient members of the drawer body are engaged with the second openings of the vibration absorption members to absorb tolerance in assemblage and provide an electrical grounding effect (see col.2, line 60 through col. 3, line 5) (claim 1); an actuator (110) pivotally mounted in the drawer body wherein the actuator comprises a latching element (112), a snapping element (116) detachably coupled to the latching element, and a rotatable handle (110), and wherein the latching element is capable of being pushed to decouple the latching element from the snapping element, so as to allow the handle to rotate between a first position (shown in fig. 1) close to a front end (109) of the drawer body and a second position (not shown, see col. 2, lines 23-26) far away from the front end of the drawer body (claims 4-5); wherein the vibration absorption member is a plastic rail (see col. 9, lines 39-40) to provide the cushioning effect (claim 6); wherein the resilient member is made of stainless steel (see col. 2, lines 8-10 and col. 3, lines 20-21) (claim 7); wherein the resilient members substantially protrude from the second openings (parts of the vibration absorption members) and snap to abut against the vibration absorption members (see col.2, line 60 through col. 3, line 5) (claims 8-9); wherein exterior surfaces of the vibration absorption members and the resilient members are substantially flush with each other (shown in fig. 2) (claim 10); and wherein the fastening portions are rigidly and nondetachably mounted on the vibration absorption members (shown in fig. 1) (claim 16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montoya et al. in view of Tanzer et al. (US 6,661,651 B1).

Montoya discloses the claimed invention except a light pipe mounted in the drawer body.

Tanzer teaches a drawer (100, fig. 1) for a data storage device, comprising a light pipe a light pipe (480) mounted in a drawer body (102) of the drawer extending from a front end of the drawer body to a rear end of the drawer body (shown in fig. 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Montoya with the light pipe taught by Tanzer such that the status information may be provided to the user for viewing.

5. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montoya et al. in view of Gamble et al. (US 6,249,432 B1).

Montoya discloses the claimed invention except the resilient members on each side of the drawer body, each being separate from and non-connected with other resilient members on a same side of the drawer body, having an arcuate shape, and

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wherein the second openings have a size that the resilient member fills the second opening.

Gamble teaches a drawer for a digital storage device (fig. 4), comprising: resilient members (93) on each side of the drawer body (83), each being separate from and non-connected with other resilient members on a same side of the drawer body (shown in fig. 4), having an arcuate shape (also shown in fig. 4), and second openings (97) having a size that the resilient member fills the second opening (see figs. 4 and 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drawer of Montoya with the resilient members taught by Gamble for simplification and lowering the cost of manufacturing.

Allowable Subject Matter

6. Claims 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Montoya et al. (US 6,421,236 B1), Tanzer et al. (US 6,661,651 B1), and Gamble et al. (US 6,249,432 B1), taken alone or in combination, fails to teach or fairly suggest a drawer for a digital storage device, comprising at least: a vibration absorption member having openings only for coupling resilient members formed on each of two sides of a drawer body of the drawer as set forth in claims 15 and 17.

Response to Arguments

8. Applicant's arguments filed 9/14/2005 have been fully considered but they are not persuasive.

Applicant argues that "(t)he Montoya et al. reference teaches a hot swap disk drive carrier ... however, a drawer body itself having an accommodating space for receiving a plurality of digital data storage devices is not disclosed", "the arrangement can be easily disassembled without tools", "the resilient members 150 in Montoya et al. are merely formed on one side of the drawer", and "the grounding method of Montoya et al. is at the bent flexible sections directly contact fixing members to ground, and the bent flexible sections do not extend through openings of the vibration absorption members to contact fixing members".

In response to Applicant's arguments that does not include certain features of Applicant's invention, i.e. a plurality of digital data storage devices, and the arrangement can be easily disassembled without tools, are not stated in the claims. It is the claims that define the claimed invention, and it is the claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices, Inc.*, 7 USPQ2d 1064.

In addition, the resilient members as stated in the rejection, including parts 150, 151 and 152, wherein parts 151 and 152 are passing through openings 155 and 156 of the vibration absorption members 118 and 119 as stated on col. 2, lines 60-67, and similar resilient members 193 and 194 are formed on the other side of the drawer body.

The resilient members 151, 152, 193 and 194 are formed on sheet metal sides of body 105 and 106, so they are considered resilient (see col. 2, lines 8-10). Furthermore, element 150 is part of the resilient members formed on side 118, that provides an electrical grounding effect.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday (except every other Fridays).

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If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
September 27, 2005



YEAN-HSI CHANG
PRIMARY EXAMINER